

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

KENDRA NICOLE WALKER,

No. C 13-03601 LB

Plaintiff,

SECOND ORDER TO SHOW CAUSE

v.

MB FINANCIAL BANK, N.A.,

Defendant.

Plaintiff Kendra Nicole Walker filed this action against defendant MB Financial Bank, N.A. on August 2, 2013. Complaint, ECF No. 1.¹ She filed a First Amended Complaint on August 27, 2013. FAC, ECF No. 5. MB Financial answered her First Amended Complaint on September 18, 2013. Answer, ECF No. 9. All parties have consented to the undersigned's jurisdiction. Consent (Ms. Walker), ECF No. 7; Consent (MB Financial), ECF No. 14.

On September 23, 2013, MB Financial filed via the court's ECF system a motion to stay this action during the pendency and resolution of an Illinois state court case that was initiated prior to this action. Motion, ECF No. 11. This meant that Ms. Walker's deadline to file an opposition was October 7, 2013. She did not, and she also did not file a statement of non-opposition. Thus, the court ordered her to file a written response by 5:00 p.m. on Tuesday, October 15, 2013 showing

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronically-generated page numbers at the top of the document.

1 cause why she failed to file either an opposition or a statement of non-opposition to MB Financial's
2 motion to stay this action. First Order to Show Cause, ECF No. 18. The court also noted that the
3 failure to file a response could be construed as a non-opposition to MB Financial's motion and result
4 in it being granted. *Id.*

5 On October 14, 2013, Ms. Walker filed a response. Response to First Order to Show Cause,
6 ECF No. 19. In it, her counsel explains that while her opposition to MB Financial's motion is
7 "substantially completed," "on the due date of the opposition, [he] suffered a flareup of a chronic
8 cardiac condition which required emergency medical attention" and prevented him from filing the
9 opposition on time. *Id.* That same day, the parties filed a stipulation that, among other things,
10 continued the deadline for Ms. Walker to file her opposition to October 28, 2013, the deadline for
11 MB Financial to file any reply by November 4, 2013, and the hearing on the motion to December 5,
12 2013. Stipulation, ECF No. 20. The court granted the stipulation on October 15, 2013. Granted
13 Stipulation, ECF No. 21.

14 October 28, 2013 was seven days ago and yet Ms. Walker still has not filed her opposition to
15 MB Financial's motion. *See generally* Docket. Accordingly, the court **ORDERS** Ms. Walker once
16 again to show cause why she has failed to file either an opposition or a statement of non-opposition
17 to MB Financial's motion to stay this action. She shall do so by filing a written response by **5:00**
18 **p.m. on Tuesday, November 5, 2013.** The filing of a statement of non-opposition will discharge
19 this order to show cause. The failure to file a response may be construed as a non-opposition to MB
20 Financial's motion and result in it being granted.

21 **IT IS SO ORDERED.**

22 Dated: November 4, 2013

23 
24 LAUREL BEELER
25 United States Magistrate Judge
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